

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

**Leonid Goldstein,**

Plaintiff,

v.

**Climate Action Network; Ceres Inc.;  
Rockefeller Brothers Fund Inc.; Generation  
Investment Management LLP; the Ford  
Foundation; the Pew Charitable Trusts;  
Greenpeace International Corp.;  
Environmental Grantmakers Association  
Corp.; the Consultative Group on Biological  
Diversity Corp.; the Sierra Club Foundation  
Corp.; World Wide Fund for Nature Trust;  
US Climate Action Network Corp.; Global  
Call for Climate Action Corp.; Generation  
Investment Management US LLP; Alliance  
for Climate Protection Corp.; Fenton  
Communications Corp.; World Wildlife  
Fund, Inc.; Greenpeace Inc.; Greenpeace  
Fund Inc.; Friends of the Earth  
International Corp.; Friends of the Earth  
US Corp.; Friends of the Earth (Action)  
Inc.; Environmental Defense Fund Inc.;  
Environmental Defense Action Fund Corp.;  
Natural Resources Defense Council Inc.;  
NRDC Action Fund Corp.; Sierra Club  
Corp.; Earthjustice Corp.; the Union of  
Concerned Scientists Inc.; the Pew  
Memorial Trust; J. Howard Pew Freedom  
Trust; Mabel Pew Myrin Trust; J.N. Pew Jr.  
Charitable Trust; the John D. and Catherine  
T. MacArthur Foundation; the William &  
Flora Hewlett Foundation; the David and  
Lucile Packard Foundation; Tides  
Foundation Corporation; Tides Center  
Corporation; ClimateWorks Foundation;  
and the Energy Foundation,**

Defendants.

Case 5:16-cv-00211-C

**CERTAIN DEFENDANTS' MOTION TO DISMISS**

Certain Defendants – Climate Action Network , U.S. Climate Action Network Corp., Ceres Inc., Environmental Grantmakers Association Corp., The Ford Foundation, Generation Investment Management LLP, Generation Investment Management US LLP, Rockefeller Brothers Fund Inc., Sierra Club Foundation Corp., and The Pew Charitable Trusts – move the Court to dismiss Plaintiff's Complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction, Rule 12(b)(3) for improper venue, Rule 12(b)(5) for insufficient service of process,\* and Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

This motion is supported by an accompanying memorandum of law.

Dated: October 13, 2016

Respectfully submitted,

Stephen M. Ryan (*pro hac vice* pending)  
D.C. Bar No. 359099  
sryan@mwe.com  
Sam C. Neel (*pro hac vice* pending)  
D.C. Bar No. 1027756  
sneel@mwe.com  
The McDermott Building  
McDermott Will & Emery LLP  
500 North Capitol Street, N.W.  
Washington, DC 20001  
202.756.8000  
202.756.8087 fax

*Attorneys for The Ford Foundation*

**/s/ Lawrence M. Doss**

Lawrence M. Doss (Tex. Bar No. 24012544)  
LDoss@mhba.com  
Mullin Hoard & Brown, L.L.P.  
Post Office Box 2585  
Lubbock, Texas 79408  
806.765.7491  
806.765.0553 fax

*Attorney for Climate Action Network, US  
Climate Action Network, Rockefeller Brothers  
Fund Inc., Ceres Inc., Environmental  
Grantmakers Association Corp., Sierra Club  
Foundation Corp., and The Ford Foundation*

---

\* As explained in the concurrently filed memorandum in support, only The Ford Foundation, Generation Investment Management LLP, and Generation Investment Management US LLP seek dismissal on Rule 12(b)(5) grounds.

W. Brad Nes  
Texas State Bar No. 24051109  
brad.nes@morganlewis.com  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: (202)739-5779  
Facsimile: (202)739-3001

*Attorney for The Pew Charitable Trusts*

Matthew E. Miller (*pro hac vice* pending)  
mmiller@foleyhoag.com  
Kevin J. Conroy (*pro hac vice* pending)  
kjconroy@foleyhoag.com  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 832-1000  
(617) 832-7000 fax

*Attorneys for Ceres, Inc.*

Lindsey B. Cohan (Tex. Bar No. 24083903)  
Lindsey.Cohan@dechert.com  
Dechert LLP  
300 W. 6th Street, Suite 2010  
Austin, Texas 78731  
512.394.3000

*Attorney for Generation Investment Management  
LLP and Generation Investment Management US  
LLP*

Thomas R. Burke  
DAVIS WRIGHT TREMAINE, LLP  
Suite 800  
505 Montgomery Street  
San Francisco, California 94111-6533  
(415) 276-6552  
thomasburke@dwt.com

Lacy H. Koonce, III  
DAVIS WRIGHT TREMAINE, LLP  
Avenue of the Americas, 21st Floor  
New York, NY 10020-1104  
(212) 603-6467  
lancekoonce@dwt.com

*Attorneys for Sierra Club Foundation*

### **CERTIFICATE OF SERVICE**

On October 13, 2016, I electronically submitted the **Certain Defendants' Motion To Dismiss** with the clerk of court for the United States District Court for the Northern District of Texas using the electronic case-filing system of the Court. I hereby certify that I have served all counsel and pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Lawrence M. Doss  
Lawrence M. Doss